

POLICY FOR USING TRADE NAMES (FROM PS&E GUIDE)

Highway Projects

The policy as quoted from the PS&E guide is as follows:

"Do not use trade names unless it is entirely impractical to furnish functional specifications for a product or material. Do not use specifications that would limit the bidding, directly or indirectly, to any one specific material or product.

Trade names may be used if:

1. There is no other known material or product of equal or better quality that will perform the same function.
2. Other agencies request a product or material by trade name to preserve uniformity with existing installations.
3. Color reference is needed for multicolored tile.
4. The trade name material or product is being used on an experimental basis with a clearly written plan for follow-up and evaluation.
5. It is in the best interest of the public to use a trade name.

Where the use of trade names is absolutely necessary, include, in the special provisions, the trade names of all known materials, or products manufactured in California that will meet the requirements of the work, and follow the listing of trade names with the words 'or equal.'

Where the use of only one trade name can be justified, the name must also be followed with the words 'or equal' as noted above. The District (or Structures) must furnish a quotation from the manufacturer or supplier of such product or material, signed by a responsible official, giving the name and address of the firm which will sell the product or material, the price, the place of delivery, and agreement to sell to any contractor. The District must also specify the time span for which the price has been quoted and whether the price includes sales tax. This information will be included in the Special Provisions."

The words "or equal" need not be included in the specification if the particular material, product, thing, or service is designated by specific brand or trade name in order that a field test or experiment be conducted to determine the product's suitability for future use. When a sole source material is to be used for such experimental research projects, approval must be obtained authorizing the elimination of the "or equal" phrase in order to guarantee the placement of the specific trade name product.